

CRIMINAL COURT CITY OF NEW YORK
COUNTY OF QUEENS : AR-1

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IN THE MATTER OF THE APPLICATION OF
POLICE OFFICER ERIC YEUNG, SHIELD #13688
OF THE NARCOTICS BOROUGH QUEENS
NEW YORK CITY POLICE DEPARTMENT
FOR A SEARCH WARRANT

SEARCH WARRANT
AFFIDAVIT

AFFIDAVIT FOR SEARCH WARRANT
CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

STATE OF NEW YORK)
COUNTY OF QUEENS)

I, POLICE OFFICER ERIC YEUNG, SHIELD #13688, assigned to the NARCOTICS BOROUGH QUEENS, being duly sworn, deposes and says,

1. I am a police officer and have been for approximately five (5) years. I have investigated narcotics and marihuana cases for approximately five (5) years.

2. I have information based upon the following:

A. I am currently assigned to an investigation regarding alleged marihuana possession within the rectum of John Rodriguez, a Black male, approximately 5'8" tall, weighing approximately 170 pounds, with a date of birth of June 26, 1970, and who is presently in the custody of the New York City Police Department at Queens General Hospital, County of Queens, State of New York.

B. As specified below, I am relying upon my own personal observations, and the observations of Detective Patrick Fogarty.

C. On September 13, 2011, at approximately 2:50 p.m., the following transpired:

I and Detective Patrick Fogarty were present in the vicinity of Frame Place and 41st Road, County of Queens, pursuant to our duties as police officers in a drug-prone area. While at that location, I observed a person subsequently identified as "John Rodriguez" (NYSID: 05861832Z) in the driver's seat of an automobile drive up and double-park a several feet in front of my position. Moments later, I observed a person subsequently identified as [REDACTED] walk up to Rodriguez's automobile and appear to engage Rodriguez in a brief conversation. [REDACTED] then walked away from Rodriguez only to return moments later and enter into the front passenger side of Rodriguez's automobile. Rodriguez then drove his automobile away. While Rodriguez was driving, I am informed by Detective Patrick Fogarty that he observed Rodriguez discard several items on to the road from the driver's side window of his automobile.

At approximately 3:00 p.m., in front of 133-58 41st Avenue, County of Queens, I conducted a car stop of Rodriguez's automobile. I am informed by

Detective Patrick Fogarty that as he approached the driver's side window of Rodriguez's automobile, he observed Rodriguez place his hands near the center of his lower back and appear to push an item in between his buttocks underneath his loose-fitting jeans and boxer shorts. I am further informed by Detective Fogarty that he also observed [REDACTED] holding two plastic bags each containing a quantity of marihuana in his left hand and a sum of United States currency protruding from an open wallet on his lap. I subsequently recovered two plastic bags each containing a quantity of marihuana from [REDACTED] as well as an ice pick from the center console of Rodriguez's automobile. As Rodriguez exited the automobile, I observed him to have an irregular gait and appear to be clenching the muscles in his buttocks. Rodriguez was then transported to the 109 Precinct and subsequently to Queens General Hospital.

D. I subsequently reviewed the records of the New York State Division of Criminal Justice Services which revealed that John Rodriguez, having NYSID: 05861832Z, has an active bench warrant stemming from his arrest for Criminal Possession of Marihuana in the Fifth Degree, and he has been convicted of Criminal Possession of a Weapon in the Fourth Degree, Criminal Sale of a Controlled Substance in the Third Degree, and Criminal Possession of Marihuana in the Fifth Degree on three separate occasions.

3. I am informed by Detective Patrick Fogarty that he has had professional training as a Detective in the identification of controlled substances and marihuana, has previously participated in arrests for the criminal possession of controlled substances and marihuana, and has previously seized controlled substances and marihuana. I am informed by Detective Fogarty that it is his opinion that the property in this case as observed by him is marihuana.

4. I have had professional training as a Police Officer in the identification of controlled substances and marihuana, have previously participated in arrests for the criminal possession of controlled substances and marihuana, and have previously seized controlled substances and marihuana. It is my opinion that the property in this case as recovered by me is marihuana.

5. I respectfully request the Court's permission to execute this warrant immediately, as John Rodriguez is presently under the custody of members of the New York City Police Department at Queens General Hospital.

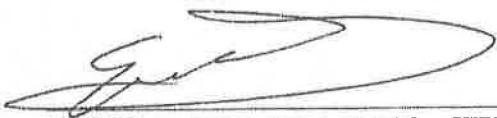
6. I am requesting that should it be deemed medically necessary for the safety of John Rodriguez, a medical professional may aid in the execution of this warrant under the supervision of members of the New York City Police Department.

7. Based upon the foregoing reliable information and upon my personal knowledge, there is reasonable cause to believe that such property, to wit: marihuana, marihuana paraphernalia, including but not limited to, plastic bags, are being unlawfully possessed of which constitutes evidence or tends to demonstrate that an offense was committed or that a particular person participated in the commission of an offense in violation of Article 221 of the Penal Law of the State of New York within the rectum of John Rodriguez, a Black male, approximately 5'8" tall, weighing approximately 170 pounds, with a date of birth of June 26, 1970, and who is presently in the custody of the New York City Police Department at Queens General Hospital, County of Queens, State of

New York.

WHEREFORE, I respectfully request that the court issue a warrant and order of seizure, in the form annexed, authorizing the search of the rectum of John Rodriguez, a Black male, approximately 5'8" tall, weighing approximately 170 pounds, with a date of birth of June 26, 1970, and who is presently in the custody of the New York City Police Department at Queens General Hospital, County of Queens, State of New York, for marihuana, marihuana paraphernalia, including but not limited to, plastic bags, and directing that if such property or evidence or any part thereof be found that it be seized and brought before this Court, together with any such other and further relief that the Court may deem proper.

To my knowledge no previous application in this matter that has been made in this or any other court or to any other judge, justice or magistrate.



POLICE OFFICER ERIC YEUNG, SHIELD #13688

Sworn to before me this
13th day of September, 2011

ase 7:30pm

JUDGE:

myu/NIB

Additional testimony
T/Ked
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MON. KOENIGERMAN
AR-3 9/10/11
REPT. CARROLL

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